

रजिस्टर नं ० पी०/एस० एम० १४.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बोरबार, १५ मार्च, १९८४/२५ फाल्गुन, १९०५

हिमाचल प्रदेश सरकार

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

NOTIFICATIONS

Shimla-4, the 14th March, 1984

No. 1-14/84-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, the Himachal Pradesh Courts

(Amendment) Bill, 1984 (Bill No. 3 of 1984) having been introduced on the 14th March, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

Bill No. 3 of 1984.

THE HIMACHAL PRADESH COURTS (AMENDMENT)
BILL, 1984

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to enhance the pecuniary jurisdiction of the subordinate courts in the State of Himachal Pradesh and further to amend the Himachal Pradesh Courts Act, 1976 (23 of 1976).

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-fifth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Courts (Amendment) Act, 1984. Short title and commencement.

(2) It shall come into force at once.

23 of 1976 2. In section 10 of the Himachal Pradesh Courts Act, 1976 (hereinafter called the principal Act) for the words "fifty thousand rupees", the words "two lakh rupees" shall be substituted. Amendment of section 10.

3. For the words "twenty-five thousand rupees" occurring in clause (a) of sub-section (1) of section 21 of the principal Act, the words "fifty thousand rupees" shall be substituted. Amendment of section 21.

4. The existing section 21-A of the principal Act shall be renumbered as sub-section (1) and thereafter the following new sub-section (2) shall be inserted, namely:— Amendment of section 21-A.

"(2) The Chief Justice of the High Court of Himachal Pradesh may transfer any appeal, suit or other proceedings which is or are pending before the High Court of Himachal Pradesh immediately before the commencement of the Himachal Pradesh Courts (Amendment) Act, 1984 to such a subordinate court in the State of Himachal Pradesh which would have jurisdiction to entertain such appeal, suit or proceedings, had such appeal, suit or proceedings been instituted or filed for the first time after such commencement."

5. After existing section 27 of the principal Act, the following new section 27-A, along with its heading, shall be inserted, namely:— Insertion of section 27-A.

"27-A. Certain provisions to override other laws.—The amendments made in this Act by the Himachal Pradesh Courts (Amendment) Act, 1984 shall have effect notwithstanding anything inconsistent therewith contained in sub-section (3) of section 17 of the Delhi High Court Act, 1966 and in section 23 of the State of Himachal Pradesh Act, 1970."

STATEMENT OF OBJECTS AND REASONS

Of late, the question relating to the reduction of quantum of litigation pending before the High Court and to make the dispensation of justice less expensive and more convenient, has been engaging the attention of the State Government. At present, all the civil original cases, where the monetary value exceeds Rs. 50,000 and the civil appeals, where the monetary value exceeds Rs. 25,000 are disposed of by the High Court. Moreover, due to the difficult hilly terrain and other hazards, the people hailing from far-flung areas of the State have to undergo great inconvenience and have to incur heavy expenditure in pursuing the matters before the High Court, which can more conveniently be disposed of by the lower courts. Having stock of these factors and to make the justice cheaper and within the reach of a common man, it has been decided that the original civil jurisdiction in all cases where monetary value does not exceed rupees two lakhs, and the appellate jurisdiction, where the monetary value does not exceed Rs. 50,000 should be withdrawn from the High Court and be vested in the lower courts.

This Bill seeks to achieve the aforesaid objective.

SHIMLA:

The 14th March, 1984.

VIRBHADRA SINGH,
Chief Minister.

FINANCIAL MEMORANDUM

No additional expenditure will be borne by the State Government for the implementation of the provisions of this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

Shimla-4, the 14th March, 1984

No. 1-15/84-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, the Himachal Pradesh Agricultural Produce Markets (Amendment) Bill, 1984 (Bill No. 4 of 1984) having been introduced on the 14th March, 1984, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

THE HIMACHAL PRADESH AGRICULTURAL PRODUCE
MARKETS (AMENDMENT) BILL, 1984

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970).

Be it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-fifth Year of the Republic of India as follows:—

- 9 of 1970
1. (1) This Act may be called the Himachal Pradesh Agricultural Produce Markets (Amendment) Act, 1984. Short title and commencement.
- (2) It shall come into force at once.
2. After the existing section 32 of the Himachal Pradesh Agricultural Produce Markets Act, 1969 the following new section 32-A, along with its heading, shall be inserted, namely:— Insertion of section 32-A
- “32-A. *Laying of the annual and audit reports of the Board.*—(1) The Board shall prepare once every year, in such form and at such times, as may be prescribed, an annual report, giving a true and full account of its activities during the previous year, and a copy thereof shall be forwarded to the State Government.
- (2) The accounts of the Board shall be audited annually by the Examiner of the Local Fund Audit or by such other person as the State Government may direct.
- (3) As soon as the accounts of the Board are audited, the Board shall send a copy of the audit report to the State Government.
- (4) Soon after the submission of the audit report under sub-section (3) and the annual report under sub-section (1) by the Board, the State Government shall cause the said reports to be laid before the State Legislative Assembly:

Provided that when these reports are to be laid in the budget session, those shall be laid on the Table of the House on the first sitting of the said session :

Provided further that the period intervening the close of the financial year to which the reports pertain and the laying of reports, shall not exceed nine months.”

STATEMENT OF OBJECTS AND REASONS

In the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970), there is no provision for the submission of the annual and audit reports in relation to the activities and accounts of the Himachal Pradesh Agricultural Produce Marketing Board to the State Government and thereafter for laying the said reports before the State Legislative Assembly. The annual and the audit reports of the Board are the only media through which the members of the State Legislature can have an idea of its activities, policy and programme and express their views at the time the demands for grants are discussed and voted in the Legislative Assembly.

It has, therefore, been considered necessary to amend the principal Act, so as to provide that the Board shall prepare and submit its annual and audit reports to the State Government and the State Government shall cause these to be laid on the Table of the House at the close of each financial year.

The Bill seeks to achieve the aforesaid objective.

SHIMLA:

The 14th March, 1984.

GUMAN SINGH,
Minister-in-charge.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill, empowers the State Government to prescribe by rules the form and the time at which the Board is to submit its annual report to the State Government. The rules so framed are to be laid before the Legislative Assembly. This delegation is essential and normal in character.

Shimla-4, the 14th March, 1984

No. 1-18/84-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, the Himachal Pradesh Housing Board (Amendment) Bill, 1984 (Bill No. 5 of 1984) having been introduced on the 14th March, 1984, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

BILL No. 5 of 1984

**THE HIMACHAL PRADESH HOUSING BOARD (AMENDMENT)
BILL, 1984**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Housing Board Act, 1972 (Act No. 10 of 1972).

Be it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Housing Board (Amendment) Act, 1984.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. For the existing section 5 of the Himachal Pradesh Housing Board Act, 1972 (hereinafter called the principal Act) the following section 5 shall be substituted, namely:—

Substitution
of section 5

“5. The Chairman and the non-official members of the Board shall hold office during the pleasure of the State Government.”

3. In section 10 of the principal Act, the words “and the terms of such appointment shall be for the remainder of the term of the Chairman or the member, as the case may be” occurring in between the words “as practicable” and the sign colon “:” shall be omitted.

Amendment
of section 10.

4. For the existing section 47 of the principal Act, the following section 47, along with its heading, shall be substituted, namely:—

Substitution
of section 47

“47. *Annual report.*—The Board shall prepare once every year, in such form and at such time, as may be prescribed, an annual report, giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government.”

5. After section 47 of the principal Act, the following new section 47-A, along with its heading, shall be added, namely:—

Insertion of
new section
47-A.

“47-A. *Laying of the audit and annual report before the State Legislature.*—Soon after the submission of the audit report under sub-section (3) of section 45 and the annual report under section 47 by the Board, the State Government shall cause the said reports to be laid before the State Legislative Assembly:

Provided that where the reports are to be laid in the budget session those shall be laid on the Table of the House on the first sitting of the said session :

Provided further that the period intervening the close of the financial year to which the reports pertain and the laying of reports, shall not exceed nine months.”

6. The words, figure and the sign “notwithstanding anything contained in section 5,” occurring in sub-section (2) of section 61 of the principal Act shall be omitted.

Amendment
of section 61

STATEMENT OF OBJECTS AND REASONS

Section 5 of the Himachal Pradesh Housing Board Act, 1972, provides that the Chairman and the non-official members of the Board shall hold office for a period of three years from the date of their appointment as such. The State Government does not enjoy the power to remove them before the expiry of the term of their offices.

Similarly, neither section 46 nor section 47 of the said Act provides for the laying of the annual or audit reports on the Table of the House. This institution is carrying out a very vital activity in the field of housing and at great State expense. The annual and audit reports of such institutions are the only media through which the members of the Legislature can have an idea of its activities, policy and programme and express their views relating thereto at the time the demands for grants are discussed and voted in the Legislative Assembly.

It has, therefore, been considered necessary to amend the principal Act, so as to provide that the Chairman and other non-official members of the Board shall hold their respective offices during the pleasure of the State Government and the State Government shall cause the annual and audit reports of the Board laid on the Table of the House, at the close of each financial year.

This Bill seeks to achieve the aforesaid objects.

SHIMLA:

The 14th March, 1984.

SUKH RAM,
Minister-in-charge

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the State Government to prescribe the form and time at which the annual report is to be prepared by the Board. This delegation is essential and normal in character.